The Origins of Article 16 and the University of Michigan

By Michelle Cassidy

On September 29, 1817, Ojibwe, Odawa, and Boodeawaadamii representatives gathered at the Maumee River rapids near the former Fort Meigs—a United States military post built during the War of 1812 to protect Ohio from the British and their Native allies. They met with the Governor of Michigan, Lewis Cass and Duncan McArthur, a member of the Ohio House of Representatives. The U.S. wished to extinguish the remaining Indian title to land within Ohio. The Acting Secretary of War, George Graham selected these two veterans of the War of 1812 to negotiate with the Indian nations with land claims, homes, and influence in the region. Graham believed: “The removal of the Indians, generally, from the vicinity of Lake Erie, and the advantages that would be derived from connecting the population of the State of Ohio with the Michigan Territory, give to the acquisition of this country a political importance that would justify a more liberal compensation for its relinquishment than has hitherto been given for the relinquishment of Indian claims.”

The Treaty of Fort Meigs ceded approximately 4.2 million acres of land to the United States. The Treaty was significant for the future of the University of Michigan, as the ceded land included the site of the university's eventual location. The University of Michigan was founded in 1817, and the Treaty of Fort Meigs played a critical role in securing the land needed for its establishment.

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2 Governor Lewis Cass worked towards Indian removal during his political career. One of his main goals as governor was to encourage settlement and meet the requirements of statehood for Michigan. To that end, he proposed the creation of a road, prompted by the treaty cessions. See Lewis Cass and Duncan McArthur to Acting Secretary of War George Graham, September 29, 1817, United States Congress, *American State Papers: Indian Affairs* II (Washington: Gales and Seaton, 1834), 137-138. Hereafter ASP.
4 George Graham to Lewis Cass and Duncan McArthur, May 19, 1817, ASP, 137.
acres of land, including a small tract of land bordering Ohio in a region that would become part of Michigan.  

The Treaty of Fort Meigs, also known as the Treaty of the Maumee (Miami) Rapids or the Treaty of the Foot of the Rapids, was part of a series of treaties in the Great Lakes borderlands after the War of 1812. In addition to Ojibwe, Odawa, and Boodewaadami (Potawatomi) treaty negotiators, there were also Wyandot (Huron), Delaware, Shawnee, and Seneca representatives involved in the treaty. The main land cessions came from the Wyandots, who had already made large cessions in the 1795 Treaty of Greenville and the 1807 Treaty of Detroit. The 1795 and 1807 treaties influenced who was present at the negotiations of the Treaty of Fort Meigs—for the treaty to be viewed as legitimate by indigenous peoples near Ohio, it needed to include representatives from the peoples who had attended the Treaty of Greenville and ceded land that the new 1817 cessions would border. Certain Odawa bands had villages in Ohio and the Boodewaadami and Ojibweg lived in areas that bordered Ohio. In the 1780s and 1790s, some of these peoples had taken part in a series of military conflicts known as the Northwest Indian War and some of the Odawaag, Ojibweg, and Boodewaadami (collectively known as the Anishinaabeg) took part in the Battle of Fallen Timbers, where the Indian confederacy was defeated, leading to the Treaty of Greenville in 1795. Thus, some of the Anishinaabe ogimaag (civil leaders) were at the treaty council in 1817 due to the Treaty of Greenville.  

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5 Hurt, The Ohio Frontier, 364.  
7 For example, Wynemac (Boodewaadami) was involved with the Treaty of Greenville (Weneameac, “Pattawatimas of Huron”). This held true for the other tribes as well, i.e. the Shawnee leader, Cateweekesa or Black Hoof. Treaty of Greenville, Kappler, Indian Affairs, 39-45. The Shawnee leader Black Hoof reminded Indian Agent John Johnston that the tribes that had been present at the Treaty of Greenville would need to be represented at a further
In the 1817 treaty, the Anishinaabeg granted land for educational and religious purposes. Article 16 reads:

Some of the Ottawa, Chippewa, and Potawatomy [sic] Tribes, being attached to the Catholick [sic] religion, and believing they may wish some of their children hereafter educated, do grant to the rector of the Catholick church of St. Anne of Detroit, for the use of the said church, and to the corporation of the college at Detroit, for the use of the said college, to be retained or sold, as the said rector and corporation may judge expedient, each, one half of three sections of land, to contain six hundred and forty acres, on the river Raisin, at a place called Macon, and three sections of land not yet located, which tracts were reserved, for the use of the said Indians, by the treaty of Detroit, in one thousand eight hundred and seven; and the superintendent of Indian affairs, in the territory of Michigan, is authorized, on the part of the said Indians, to select the said tracts of land. 8

The “college at Detroit” mentioned in the Treaty was the newly created, and not yet functioning, Catholepistemiad or University of Michigania. Governor Cass and several judges of the Michigan Territory passed an act in August 1817 establishing the school (meant to serve as a primary school through college, which, at the time, would have been more like a high school with the purpose of preparing students for colleges located mainly in the East). 9 In the minds of men like Cass, the school would support the development of a growing white population and would be a step towards statehood. While the motivations of the 1817 treaty commissioners and the founders of the College at Detroit are hinted at in letters, treaty documents, and petitions, the motivations of the Anishinaabeg who signed the treaty can be considered through their longer history in the region.

Treaty Signers

There are few documents that mention Article 16, as the treaty commissioners were much more concerned with annuities and large land cessions. While it is difficult to connect the Anishinaabe treaty signers directly to the land grant, their possible motivations for agreeing to a land grant tied to the Catholic Church and education can begin to be understood through a land cession in 1817. Stephen Warren, “The Ohio Shawnees’ Struggle against Removal, 1814-30,” in R. David Edmunds, Enduring Nations: Native Americans in the Midwest (Urbana and Chicago: University of Illinois Press, 2008), 80-82.

8 Treaty of Fort Meigs (1817), Kappler, Indian Affairs, 150.
9 Frank Egleston Robbins, ed., An Act to Establish the Catholepistemiad, or university of Michigania (August 26, 1817), University of Michigan Early Records, 1817-1837 (Ann Arbor: The University of Michigan, 1935), 3-5.
consideration of who these men were and their actions before and after the Treaty of Fort Meigs. Some of the 1817 treaty signers are more visible in the archival records than others, especially the men who signed other treaties.\textsuperscript{10}

The ogimaag who signed the Treaty of Fort Meigs included Ojibwe, Odawa, and Boodewaadamii men who had fought in the War of 1812 and men who had signed (or would sign) multiple treaties. For example, Tondaganie and Nashkema—Odawa men—signed both the 1817 treaty and the earlier Treaty of Springwells in 1815.\textsuperscript{11} Duncan McArthur was a treaty commissioner for this earlier negotiation as well. The treaty signers pledged their loyalty to the United States in the Treaty of Springwells and in return the U.S. agreed to “restore to the said Chippewa [Ojibwe], Ottawa, and Potawatimie [sic] tribes all the possessions, rights, and priviledges [sic]” they held prior to the war (1811).\textsuperscript{12} Tondaganie was particularly interested in the Treaty at Fort Meigs, as his village was just north of the fort and bordered the land that was part of the cessions.\textsuperscript{13} To men like Tondaganie, the amount of land McArthur and Cass requested, as well as the annuities and private land grants to certain individuals, probably concerned them more than the article regarding several land cessions to the Catholic Church and College near Detroit. The U.S. treaty commissioners also did not mention Article 16 in their report to the Secretary of War, reporting: “Without troubling you with the details of these difficulties [at the treaty negotiations], it is sufficient to say that the treaty exhibits the result of

\textsuperscript{10} Literary scholar Scott R. Lyons provides a framework for understanding treaty signers. He considers the social and political roles of nineteenth-century Ojibwe treaty signers in Minnesota, and emphasizes how they used the occasions and the texts they produced to work towards the future. He argues that x-marks—treaty signatures—are “contaminated, coerced signs of consent made under conditions not of our [indigenous] making but with the hopes of a better future.” Native peoples who gave their x-marks probably viewed them “as promises of a new way of life, not the removal of ‘savage’ or ‘barbaric’ qualities.” Scott Richard Lyons, \textit{X-Marks: Native Signatures of Assent} (Minneapolis and London: University of Minnesota Press, 2010), 9, 40.

\textsuperscript{11} Tondaganie also signed the 1808 treaty at Brownstown (The Treaty with the Chippewa, etc., 1808). Tondagane, Treaty with the Chippewa, etc., November 25, 1808, Kappler, \textit{Indian Affairs}, 99-100. His name is spelled differently across documents, including Tontagimi, Tontogany, Tontegenah.

\textsuperscript{12} Treaty of Springwells, September 8, 1815, Kappler, \textit{Indian Affairs}, 117-119.

\textsuperscript{13} Amos Spafford to the Secretary of War, May 10, 1815, Ft. Meigs, Ottawa Collection, Great Lakes and Ohio Valley Ethnohistory Collection, Glenn A. Black Laboratory of Archaeology, Indiana University, Bloomington, IN.
mutual demands and of mutual compromises.” They remarked that land granted fee simple to specific individuals who were adopted or taken captive by Native peoples was required in order to get the treaty signed by enough Native leaders.14

In contrast to Tondaganie, some of the treaty signers lived far away from the lands in question. Shinguax, an Ojibwe ogimaa who signed the 1817 treaty, lived at Sault Ste. Marie (which became part of Michigan’s Upper Peninsula) for part of the year and farther north, in British Canada, during other parts of the year.15 However, Ojibwe peoples at Bow-e-ting (Sault Ste. Marie) regularly went to the Saginaw area.16 The presence of Shinguax underlines how treaty signers were at the foot of the Maumee Rapids for many different reasons. His inclusion in the treaty negotiations points to his importance as a representative for the Ojibweg of the upper Great Lakes. Anishinaabe leadership was non-coercive and a leader’s influence depended largely on their ability to foster a consensus among their band members, and, in some cases, among multiple Anishinaabe bands.17 Shinguax signed treaties on both sides of the U.S.-Canadian border, a reminder of the porous borderlands in 1817 and the ways in which neither the U.S. nor British Canada could automatically impose “artificial” boundaries on Native peoples.18 The presence of certain ogimaag at the Treaty of Fort Meigs was reflective of Native social formations, politics, and the reality of the complex negotiations surrounding land cessions.

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14 Lewis Cass and Duncan McArthur to George Graham, September 30, 1817, APS, 138-139.  
18 Similarly, Chemokcomon signed treaties with the United States in 1817, 1820, and 1836 and another 1836 treaty with Canada. Phil Bellfy analyzes treaty signatures on indigenous treaties with both the United States and Canada. Shingwauk(x), for example, signed the 1817 and 1819 lower Michigan land cession treaties, 1820 treaty at Sault Ste. Marie, the 1850 Robinson land cession treaty regarding the north shore of Lake Superior (Canada), and another cession to Canada in 1859. Bellfy, *Three Fires Unity*, Table 4, 118-122. Karl S. Hele, ed., *Lines Drawn Upon the Water: First Nations and the Great Lakes Border and Borderlands* (Waterloo, ON: Wilfrid Laurier University Press, 2008), xvii, 65-66.
**Education and Gabriel Richard**

The Treaty of Fort Meigs was one of the first in the Great Lakes region to include provisions for education. The wording is somewhat unusual in that the treaty specifically granted land “to the rector of the Catholick church of St. Anne of Detroit” for the use of both a church and a college. In later treaties, the federal government pledged to pay annually for a teacher for “the purpose of education.” Frequently, mention of education would appear in the same article as support for a mission, blacksmith, and agricultural tools as part of the government’s attempts to induce Native peoples to become farmers. The schedule for the Treaty of Fort Meigs included, in the Wyandot cession, a reserved section “to be appropriated to the use of a missionary, one for the support of schools, and one for the support of mechanics, and to be under the direction of the chiefs.” In contrast, the clause connected to the “college at Detroit” specifically mentioned the rector of the Catholic Church, which implies this individual had much to do with the land grant. Article 16 most likely referred to Father Gabriel Richard who had ties to the “College at Detroit,” the Catholic Church, and the education of Anishinaabe students.

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20 See, for example, Article 4 of the Treaty of Chicago, August 29, 1821, Kappler, Indian Affairs, 198-201 and Article 4 of the Treaty of Washington, March 28, 1836, Ibid., 450-456.
21 Schedule for the 1817 treaty, ASP, 134.
22 In the appeal for Children of the Chippewa, Ottawa and Potawatomi Tribes v. The Regents of the University of Michigan (1981), the expert witnesses agreed Gabriel Richard was central to the land grant in Article 16. Floyd Russell Dain argued that the Anishinaabeg granted the land because they were associated with Catholicism and they wanted to support Richard’s education and aid of their children. The expert witnesses concluded that the Rector indicated in Article 16 was Richard, who, by 1817 would have been known to the Anishinaabeg in the Detroit area and also, to a lesser degree, the Odawaag near the Straits of Mackinac (a region he visited in 1799). “Children of the Chippewa, Ottawa and Potawatomi Tribes v. The Regents of the University of Michigan,” Court of Appeals of Michigan, (Court of Appeals of Michigan 1981). Also see Frank B. Woodford and Albert Hyma, Gabriel Richard: Frontier Ambassador (Detroit: Wayne State University Press, 1958), 99.
Richard was a Catholic priest associated with Ste. Anne’s parish in Detroit who was also active in politics, later becoming a U.S. congressman for the Michigan Territory. Richard’s relationship with the Anishinaabeg was important to the 1817 treaty. He planned to develop schools where Euro-American and indigenous children would be taught together. He claimed that Native peoples wanted access to education, but his plan also largely agreed with Thomas Jefferson’s belief in Indian education. Richard proposed: “If a proper method is used, the civilization of young Indians shall be certainly successful. let us teach them the practice and theory of Agriculture and husbandry. Let their time at the schools be properly divided between reading writing, cyphring [sic] &c. and hoeing, gardening, plowing &c….”

He initially had the support of President Jefferson who approved of Richard’s early efforts and thought Richard’s plans to teach “the Indian boys and girls to read and write,” in addition to agricultural, mechanical, and sewing skills, would help the Indians in what Jefferson viewed as their assimilation into Euro-American society as property-holding farmers.

Richard may have begun running a school with several Boodewaadamii students as early as 1807. In April 1808, Richard leased the former farm of Matthew Ernest, located near the village of Springwells, and set up a school called Spring Hill. In a petition to the territorial legislature of Michigan in October 1808, Richard mentioned the progress of the school—staffed by two female teachers: “the number of the scholars has been augmented by four young Indians headed by an old matron their grand mother of the Potowatamies tribe. five or six more are expected to arrive at every moment.” By 1809, there were 12 Indian students at Spring Hill.

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24 Thomas Jefferson to General Henry Dearborn, April 29, 1808 in Ibid., 111-112.
25 Richard noted that the teachers were Angelique Campeau and Elizabeth Lyons and he claimed that he had started a school “as early as the 9th of September last.” “Gabriel Richard petition to the Honourable Legislature of Michigan,” October 18, 1808 quoted in Clarence M. Burton, et. al., The City of Detroit Michigan, 1701-1922 (Detroit and Chicago: The S.J. Clarke Publishing Company, 1922), 725.
Spring Hill was located southwest of Detroit near the River Rouge. Despite the large land cessions at the Detroit Treaty of 1807, there were still Ojibwe, Wyandot, Shawnee, and Boodewaadamii villages near the Detroit and Huron rivers, in addition to those near the River Rouge and River Raisin. Boodewaadamii villages were located at Macon (on the River Raisin), and near the River Rouge (Tonquish’s village and Seginsiwin’s village were near the River Rouge around the time of Spring Hill, but later moved slightly north). The Boodewaadamii leader Tonquish signed the 1817 treaty and perhaps children from his village had attended Spring Hill; he may have wished for future educational opportunities and associated education with Richard. Moreover, in Detroit, Richard baptized Boodewaadamii children who were sometimes brought to Ste. Anne’s by their parents. Macon, mentioned in Article 16 as part of the land grant, was near or part of a reservation of the same name that had been reserved for the Boodewaadamii in the 1807 Treaty of Detroit.

By December 1809, the future of Spring Hill was uncertain. President James Madison had not pledged support. Jefferson, no longer in office, informed Madison of Richard’s plan to educate Indian children near Detroit. Jefferson stressed the “useful arts” of farming, spinning, weaving, and sewing. He explained: “It was thought more important to extend the civilized arts, and to introduce a separation of property among the Indians of the country around Detroit than elsewhere, because learning to set a high value on their property, and losing by degrees all other

26 Governor of the Michigan Territory, William Hull, acknowledged that Richard “had under his instruction, about twelve Indian Children, for a six months past, and they have made good progress, in learning, and that Mr. Richard, has incurred considerable expence [sic], in making the establishment.” William Hull to the War Department, November 9, 1809, in Rosalita, "The Spring Hill Indian School Correspondence,"124.


28 Father Gabriel Richard baptized two Boodewaadamii children in August 1817, Ste. Anne’s Church, Detroit, Mich. Registers, 1704-1802 (Archdiocese of Detroit) at the Bentley Historical Library.

dependence for subsistence, they would deprecate war with us as bringing certain destruction on their property, and would become a barrier for that distant and isolated post against the Indians beyond them.” Jefferson worried that the British, just across the river at Detroit, would influence indigenous peoples within the United States’ borders. Both the British and Americans viewed Native peoples as potential allies if tensions between the British Empire and American republic turned into open hostilities and war. He hoped the school would create “civilized” farmers who required less property than Native peoples who moved seasonally, returning to different summer and winter villages appropriate for seasonal subsistence (i.e. winter hunting territories). High rent and lack of government financial support forced Richard to sell the farm in June 1810 and he moved to the Loranger farm, closer to Detroit, where he struggled to operate a school that would attract Native students. The War of 1812 interrupted his efforts and he did not reestablish another Indian school afterwards. Richard, however, continued to work towards creating schools for, or that would include, Indian children. Richard’s general education efforts included the very beginnings of the College at Detroit, where he was appointed a professor and the Vice President in 1817.

The Boodewaadamiig were not the only peoples with ties to the Catholic Church. Many of the Odawaag who lived along the coast, on the west side of the Straits of Mackinac stretching

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30 Jefferson appealed to President James Madison on Richard’s request, explaining some of the ideas he and Richard shared regarding the education of Native peoples near Detroit (diverging from Richard somewhat). Thomas Jefferson to James Madison, December 7, 1809 in Rosalita, "The Spring Hill Indian School Correspondence," 133-136.


32 Richard proposed trying to start another school that would educate at least some Indian children: “I am almost determined to try one establishment of the kind at the River Raisins, either on my own land, or on that of St. Ann’s, which, as you know, has three sections above the French settlement. or else on the very Indian reserve of six sections, close by the three of St. Anne’s.” Gabriel Richard, Letter, American Catholic Historical Researches, X (Philadelphia: Martin I.J. Griffin,1893), 154-156.

down to Little Traverse Bay, had experience with Catholic missionaries dating back to the eighteenth century. In 1823 and 1825, ogimaag from the region petitioned President James Monroe and then the bishop at Detroit, requesting Catholic missionaries be sent to the area.\textsuperscript{34} Assiginack, an Odawa ogimaa with ties to the area, seems to have signed the 1817 treaty (Sheganack, or Black Bird) and he may have supported the idea of education associated with the Catholic Church. In the 1830s, Catholic Odawaag moved to Harbor Springs on Little Traverse Bay due to tensions with other Odawaag who did not support the Catholic Church. Many who were associated with Catholicism later worked for the rights of U.S. citizenship in an attempt to avoid removal and remain in parts of their homelands.\textsuperscript{35}

This treaty was at the beginning of a period where many nations and bands began to request education, while other bands did not support education attached to Christianity or the U.S. government.\textsuperscript{36} Some ogimaag wished their young people to be educated for purposes of trade transactions and future treaty negotiations. The ogimaag who supported Article 16 may have seen the land grant as part of an alliance or “partnership” with the Catholic Church. The Anishinaabeg often understood their relationship with Christian missionaries as part of an alliance in which allies constructed social and political relationships based on reciprocal obligations and kinship. Anishinaabe communities and ogimaag wished to negotiate alliances that could benefit them materially, politically, and spiritually. Alliances with missionaries were


\textsuperscript{35} Some Odawa men, for example, voted, held local political offices, and made claims to citizenship in order to stay in Michigan. See, for instance James McClurken, “We Wish To Be Civilized: Ottawa- American Political Contests on the Michigan Frontier” (PhD diss., Michigan State, 1988); Theodore J. Karamanski, \textit{Blackbird’s Song: Andrew J. Blackbird and the Odawa People} (East Lansing: Michigan State University Press, 2012); and ibid., “State Citizenship as a Tool of Indian Persistence: A Case Study of the Anishinaabeg of Michigan,” \textit{Michigan Historical Review} 37 no. 1 (2011).  

\textsuperscript{36} Not all Anishinaabe leaders supported education, especially so soon after the War of 1812. Expert Witness Helen Hornbeck Tanner noted an 1821 effort to create an Indian school at Port Huron that largely failed due to lack of students and hostility towards the school recruiter. “Children of the Chippewa, Ottawa and Potawatomy Tribes v. The Regents of the University of Michigan,” Court of Appeals of Michigan, (Court of Appeals of Michigan 1981).
dissolvable relationships when missionaries failed to understand and uphold reciprocal obligations. 37 Some of the Anishinaabeg, especially the Boodewaadamiig with experience with Spring Hill, may have viewed Richard as an ally in their attempts to maintain parts of their land base. Furthermore, they may have seen the land granted to the “College at Detroit” as setting up a reciprocal relationship in which they would have allies to help them remain on some of their homelands in the region. 38

37 For a discussion of Anishinaabe alliance, see, for example, Rebecca Kugel, To Be the Main Leaders of Our People: A History of Minnesota Ojibwe Politics, 1825-1898 (East Lansing: Michigan State University Press, 1998), 10, 19, 106, 118, 199. Also, for more on how Odawa made alliances with different religious representatives, see McClurken, We Wish to be Civilized, 123. McClurken also describes alliances and allies more generally. See, for instance, 28, 44-45, 66, 227, 287.

38 The problem of gaining enough Indian students in mission schools, however, continued throughout the nineteenth century. Even when missionaries could gather enough pupils to hold class, they had trouble keeping them in the classroom due to the seasonal subsistence practices. Moreover, the indigenous peoples in the region that would become the state of Michigan were not uniform in their opinions on missions and education.
Elmer White, Plaintiff Exhibit, 1977, the Bentley Historical Library, University of Michigan, Ann Arbor.